

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**May 16, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

BILLY EDWARD TOYCEN,

Plaintiff,

v.

YAKIMA COUNTY JAIL, CITY OF  
UNION GAP, CITY OF YAKIMA  
MUNICIPAL COURT, YAKIMA  
COUNTY DISTRICT COURT,  
YAKIMA COUNTY SUPERIOR  
COURT and U.S. DISTRICT COURT,

Defendants.

No. 1:22-cv-03192-MKD

ORDER OF DISMISSAL  
PURSUANT TO LCivR 41(b)(2)

By Order filed February 13, 2023, the Court directed Plaintiff Billy Edward Toycen to show cause why his application to proceed *in forma pauperis*, ECF No. 2, should be granted. ECF No. 6. The Clerk of Court mailed Plaintiff a copy of this Order to the residential address he had provided, but it was returned as undeliverable on March 10, 2023. ECF No. 7.

Local Civil Rule 41(b)(2) requires a *pro se* litigant to keep the Court and

1 opposing parties advised as to his current mailing address. If mail directed to a *pro*  
2 *se* plaintiff is returned by the Postal Service, he has sixty (60) days to notify the  
3 Court and opposing parties of his current address or the Court may dismiss the  
4 action. LCivR 41(b)(2).

5 The Court has an interest in managing its docket and in the prompt  
6 resolution of civil matters. *See Destfino v. Reiswig*, 630 F.3d 952, 959 (9th Cir.  
7 2011) (affirming district court's inherent power to control its docket); *see also*  
8 *Pagtalunan v. Galaza*, 291 F.3d 639, 642-44 (9th Cir. 2002) (discussing factors to  
9 consider in dismissing a claim for failure to prosecute or failure to comply with a  
10 court order, including the public's interest in expeditious resolution, the court's  
11 need to manage its docket, and the risk of prejudice to defendants). Plaintiff has  
12 failed to keep the Court apprised of his current address.

13 Accordingly, **IT IS ORDERED:**

14 1. This action is **DISMISSED WITHOUT PREJUDICE** pursuant to  
15 LCivR 41(b)(2).

16 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of  
17 this Order could not be taken in good faith and would lack any arguable basis in  
18 law or fact.

1           **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
2 **enter judgment**, provide copies to Plaintiff at his last known address, and **CLOSE**  
3 the file.

4           DATED May 16, 2023.

5                               s/Mary K. Dimke  
6                               MARY K. DIMKE  
7                               UNITED STATES DISTRICT JUDGE  
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